

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JERMANE E. BONNER)	
Petitioner,)	
v.)	Civil No. 06-1143
)	Criminal No. 02-46
UNITED STATES OF AMERICA,)	
Respondent)	

O R D E R

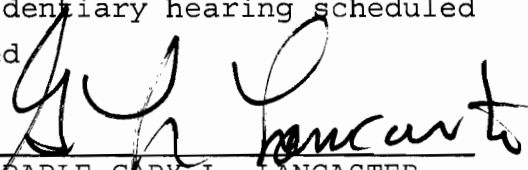
AND NOW, this 24th day of August, 2007, upon due consideration of defendant Jermane E. Bonner's Motion to Vacate Under 28 U.S.C. § 2255, the government's Opposition to the Motion, and the government's Supplemental Response to the motion, it is hereby ORDERED that defendant Bonner's Motion to Vacate Under 28 U.S.C. § 2255 (Dkt. No. 80) is GRANTED IN PART AND DENIED IN PART.

In light of the concession by Assistant Federal Public Defender Michael J. Novara that he may well have been ineffective in failing to file a direct appeal from Bonner's sentence (despite an explicit directive from his client to do so), it is HEREBY ORDERED that defendant Bonner's direct appeal rights shall be reinstated and he shall be given the opportunity *nunc pro tunc* to file a notice of appeal. Defendant Bonner's current counsel (R. Damien Schorr, Esquire) is hereby directed to file a Notice of Appeal within 10 days from the date of this Order.

The remainder of the ineffective assistance of counsel claims raised in defendant Bonner's Section 2255 Motion are hereby

DISMISSED as premature. In the event that defendant Bonner is unsuccessful on direct appeal, and he then files a new, timely Section 2255 Motion, that motion will not be considered to be a second or successive Section 2255 Motion.

IT IS FURTHER ORDERED that the evidentiary hearing scheduled for Monday, August 27, 2007 is cancelled



HONORABLE GARY L. LANCASTER
United States District Judge

cc: All Counsel of Record